

AFTER ACTION REPORT

REGULAR CITY COMMISSION MEETING TUESDAY, SEPTEMBER 7, 2010 6:30 P.M.

**DELTONA COMMISSION CHAMBERS
2345 PROVIDENCE BLVD.
DELTONA, FLORIDA**



AGENDA

1. **CALL TO ORDER – 6:30 p.m.**
2. **ROLL CALL - CITY CLERK**
3. **SILENT INVOCATION AND PLEDGE TO THE FLAG:**
4. **APPROVAL OF MINUTES & AGENDA:**
 - A. **Minutes:**

Regular City Commission Meeting – August 16, 2010.

Commission voted unanimously to adopt the minutes of the Regular City Commission Meeting of August 16, 2010 as presented.
 - B. **Additions or Deletions to Agenda.**
5. **PRESENTATIONS/AWARDS/REPORTS:**
 - A. **Proclamation – National Breast Cancer Awareness Month – October, 2010.**
 - B. **Proclamation – Pink Heals Day – September 16, 2010.**
6. **PUBLIC FORUM – Citizen comments for items not on the agenda.
(4 minute maximum length)**

CONSENT All items marked with an * will be considered by one motion unless removed
AGENDA: from the Consent Agenda by a member of the City Commission. If an item is removed for clarification only, it will be discussed immediately following action on the Consent Agenda. If an item is removed for further discussion, it will be discussed under New Business immediately following the last listed item.

7. CONSENT AGENDA:

The Commission voted unanimously to approve Consent Items 7-A through 7-C.

- * **A. Request for Renewal of Facility Use Agreement by the Council on Aging of Volusia, Inc. for use of the Deltona Community Center.**

The Council on Aging of Volusia County is a Florida non-profit organization that has maintained a Long Term Facility Use Agreement with the City of Deltona since 2001. In addition to the Meals on Wheels program, they offer recreational activities and classes for senior citizens.

The organization meets Monday through Thursday from 8:00 a.m. to 4:00 p.m. and Friday from 8:00 a.m. to 6:00 p.m. in the Main Hall of the Deltona Community Center. The organization would be classified as a Category I Facility Use with a fee rate of \$15.00 per hour. However, in past years the City Commission has waived the fees for this organization. It should be noted that the City of Deltona has traditionally given a monetary contribution annually to the Council on Aging for its Meals on Wheels program/Deltona site and other senior services provided to our seniors.

The Council on Aging of Volusia County has met the criteria requirements for a Long Term Facility Use Agreement with the City. Staff recommends a one (1) year Long Term Facility Use Agreement with an option to renew for three (3) additional one-year terms, subject to the receipt and acceptance of a timely Facility Use Renewal Form. In addition, staff is requesting direction from the Commission relating to the fee for this use.

Approved by Consent Agenda – to approve the Long Term Facility Use Agreement with the Council on Aging of Volusia County at no charge for use of the Main Hall at the Deltona Community Center for a period of one year, effective September 7, 2010, with the option for a total of three one-year renewals upon written agreement of both parties.

- * **B. Request for Renewal of a Facility Use Agreement with Debra MacDonald for use of a meeting room at Wes Crile Park.**

Deborah MacDonald is a sole proprietor of Deborah MacDonald Dance who has maintained a Long Term Facility Use Agreement with the City of Deltona since 2004. The organization provides dance instruction to area youth, to include tap dance, jazz, hip hop and children's theater.

The organization meets on Thursdays from 2:45 to 6:45 p.m. in the Meeting room located at the Wes Crile Park facility. The organization shall be responsible for paying a Category IV Facility Use Fee rate of \$25.00 per hour, less the 20% discount awarded for entering into a long-term lease agreement with the City.

Deborah MacDonald has met the criteria requirements for a Long Term Facility Use Agreement with the City. Staff recommends a one (1) year Long Term Facility Use Agreement with an option to renew for three (3) additional one-year terms, subject to the receipt and acceptance of a timely Facility Use Renewal Form.

Approved by Consent Agenda – to approve the Long Term Facility Use Agreement with Deborah MacDonald Dance for use of the Meeting Room at the Wes Crile Park facility for a period of one year, effective August 16, 2010, with the option for a total of three one-year renewals upon written agreement of both parties.

***C. Resolution No. 2010-30, Ratifying results of Primary Election held on August 24, 2010.**

The City held a Primary Election for Mayor, and Commission District Nos. 1, 3 and 5 on August 24, 2010. The results of the election are to be ratified by the City Commission.

Approved by Consent Agenda – to adopt Resolution No. 2010-30 as presented to ratify the results of the City's Primary Election held on August 24, 2010.

8. ORDINANCES AND -PUBLIC HEARINGS:

A. Public Hearing - Resolution No. 2010-21, Adopting the Tentative Millage Rate for FY 2010/2011.

State law requires that the City hold a public hearing on the tentative budget and proposed millage rate between 65 and 80 days from the date (July 1, 2010) of certification of taxable value provided by the Property Appraiser. This hearing was publicized via the TRIM Notice mailed by the County Property Appraiser on or about August 21, 2010.

At this hearing, the City will:

- *Amend the tentative budget and re-compute its proposed millage rate, and publicly announce the percent, if any, by which the recomputed proposed millage exceeds the rolled-back rate.*
- *Adopt a tentative millage (Resolution No. 2010-21) and budget (Resolution No. 2010-22), in that order.*
- *If the tentatively adopted millage rate exceeds the proposed rate presented in the TRIM Notice (6.4464), each taxpayer within the City must be notified of the increase by first class mail.*
- *The adopted tentative millage and budget will be used to advertise the final hearing scheduled for September 20, 2010.*

After Discussion, the Commission voted 5 to 2 (Commissioner Denizac and Commissioner Zischkau voted against the motion) to approve Resolution No. 2010-21, adopting the tentative millage rate of 6.4464 mils for the levy of ad valorem taxes for fiscal year 2010/11.

B. Public Hearing - Resolution No. 2010-22, Adopting the Tentative Annual Budget for FY 2010/2011.

State law requires that the City hold a public hearing on the tentative budget and proposed millage rate between 65 and 80 days from the date (July 1, 2010) of certification of taxable value provided by the Property Appraiser. This hearing was publicized via the TRIM Notice mailed by the County Property Appraiser on or about August 21, 2010.

At this hearing, the City will:

- *Amend the tentative budget and re-compute its proposed millage rate, and publicly announce the percent, if any, by which the recomputed proposed millage exceeds the rolled-back rate.*
- *Adopt a tentative millage (Resolution No. 2010-21) and budget (Resolution No. 2010-22), in that order.*
- *If the tentatively adopted millage rate exceeds the proposed rate presented in the TRIM Notice (6.4464), each taxpayer within the City must be notified of the increase by first class mail.*
- *The adopted tentative millage and budget will be used to advertise the final hearing scheduled for September 20, 2010.*

After Discussion, the Commission voted 5 to 2 (Commissioner Denizac and Commissioner Zischkau voted against the motion) to approve Resolution No. 2010-22, adopting a tentative budget for fiscal year 2010/2011.

- C. Public Hearing – Resolution No. 2010-25, Granting a Variance from Section 110.706.04(3)(1), *Dimensional Requirements* as it affects the front yard setback of the subject property located at 2121 Arrowhead Avenue and within the R-1A zoning district. Applicant: Paul Davis Restoration, representative for Ms. Carmen Iglesias, Owner (Project No. VR10-001).**

The subject property consists of a single family detached dwelling located on land planned and zoned for such use. This property is appropriately planned for Low Density Residential Use and zoned R-1A, Single Family Residential. The dwelling is located on ±10,625 square foot lot situated on the southeast corner of Arrowhead Avenue and Feather Drive. This property is consistent with the physical character of the surrounding residential area and part of an established neighborhood. Housing of similar size, lot placement and styles exist to the north, east and south. A large church complex, the Trinity Assembly of God, is located across Arrowhead Avenue to the west.

The applicant requests a variance of ±11.52 feet to the front yard setback from the Arrowhead Avenue right-of-way to enable restoration of their home on the existing foundation. The existing and required front yard setbacks are ±13.48 and 25 feet, respectively. A fire broke out on March 8, 2010, rendering the dwelling unit uninhabitable. Page 7 of the Fire Marshal's report states, "It is the determination this fire was accidental, unable to rule out an electrical short." Therefore, the need for this variance was not self-imposed. This dwelling reinforces the stable residential character of the surrounding area. There are a number of existing properties in this zoning classification and neighborhood with similar setback dimensions. This application provides for an 'in-kind' restoration that does not expand the non-conformity and the need to remedy a hardship not created by the applicant. For these reasons, it is Staff's opinion that granting this variance would be in harmony with the general intent of the planning and zoning provisions of the City and not contrary to the public interest.

After Discussion, the Commission voted unanimously to adopt Resolution No. 2010-25 granting a variance from the City's Code of Ordinance Section 110.706.04 (3) (1), *Dimensional Requirements*, to allow a front yard setback reduction of approximately 11.52 feet from 25-ft. to ±13.48-ft. for the subject property located at 2121 Arrowhead Avenue within the R-1A zoning district.

- D. Public Hearing – Resolution No. 2010-29, Granting a Variance from Section 110.806.01, Fences, Walls, and Hedges of the Code of Ordinances for property located at 740 Enterprise-Osteen Road. Applicant: James Fly, Owner (Project No. VR10-002).**

The property owner of real property located at 740 Enterprise-Osteen Road within Deltona is requesting a variance from Section 110-806.01, Fences, Walls, and Hedges of the Code of Ordinances. The subject site is an elongated ±1.0 acre tract of land (i.e. long-lot) with an R-1 zoning designation and includes an

existing land use of one (1) single family residential home. The home is oriented on the rear portion of the lot closer to Lake Hutchinson.

The site and existing land use is consistent and compatible with adjacent and area land uses. However, the adjacent property to the west has a zoning designation of MH (Mobile Home Park), which allows for a greater density of units on a tract of land and performance standards that allow for more intensive use of the land. As such, the adjacent property includes mobile home units along the common property line between the two zoning districts of R-1 and MH. Some of the performance standards listed in Section 110-711, MH, Mobile Home Park Classification, and Section 110-809, Mobile Home, are not applied on the mobile home site.

To offset land use incompatibilities between the two (2) existing land uses with two (2) separate zoning designations, a variance has been requested to allow for a 6-ft. high opaque fence along the western property line of the R-1 zoned lot. This allows the existing land uses to remain as is to reduce the hardship created by the incompatibility.

Staff has reviewed the proposed variance and finds that it is consistent with the City's Comprehensive Plan and Code of Ordinances. The application was also reviewed against Section 110-1003.01(a)(4), of the Code of Ordinances and meets the listed criteria established to qualify for a variance.

After Discussion, the Commission voted unanimously to adopt Resolution No. 2010-29, granting a variance from Section 110-806.01, Fences, Walls, and Hedges of the Code of Ordinances for property located at 740 Enterprise-Osteen Road to allow for a 6-ft. high opaque fence along the property line between two (2) land uses with two (2) separate zoning designations.

E. Public Hearing – Ordinance No. 05-2010, Evaluation and Appraisal Report Based Comprehensive Policy Plan Amendments (EAR-based amendments), at second and final reading.

On May 17, 2010, the City Commission transmitted the EAR-based amendments to the Florida Department of Community Affairs (DCA) and the Volusia Growth Management Commission (VGMC). This item represents a request for final adoption of those EAR-based amendments. Also, on July 23, 2010, the City received an Objections, Recommendations and Comments (ORC) report from the DCA. The ORC contained four (4) objections and three (3) comments, as summarized below (see Attachment #2 for more information).

DCA Objection #1: *The DCA objected to the addition of language to Capital Improvements Element Policy CIE1-2.12 regarding processing a CIE update as a small scale amendment. All CIE updates are processed as a large scale amendment and this objection is addressed by striking all reference to a small scale amendment.*

DCA Objection #2: *The DCA issued an objection because the required Transportation Map series was deficient. Staff has added four (4) maps to the appendix section of the Comprehensive Plan: 2025 Public Transit Routes (Figure 2-3), 2025 Transit Service Areas (Figure 2-4), 2025 Public Transit Terminals (Figure 2-5) and 2025 Bicycle and Trails Facilities (Figure 2-6).*

DCA Objection #3: *DCA objected that the City did not adequately address greenhouse gas reduction and energy efficient land use patterns. The changes are addressed, as follows:*

1. Future Land Use Element: *Objective FLU1-2 was modified to add language to establish the facilitation of energy efficiency regarding the encouragement of compact urban growth patterns. Text was added to Policy FLU1-2.5 with the intent to reduce Vehicle Miles Traveled. Energy efficient design examples are used by the City to address greenhouse gas reduction/energy efficiency incorporated into Policy FLU1-7.9.*

2. Transportation Element: *Expand the scope of Policy T1-1.10 to illustrate measurable greenhouse gas reduction type initiatives for bikes, sidewalks and trails. Add Policy T1-1.16 to illustrate the City's priority for sidewalk construction. Rewrite Policy T1-6.3 that outlines various transportation strategies to address greenhouse gas reduction.*

3. Housing Element: *Add Policy H1-2.7 to allow the installation of photovoltaic solar cells for residential dwelling units. Add Policy H1-2.8 to encourage and provide incentives for energy efficient residential construction. Add Policy H1-2.9 to state that the City, as part of housing renovation activities, will utilize energy efficient techniques and appliances, as practicable. Add Policy H1-6.4 to encourage mixed-use development that includes a residential component associated with non-residential uses.*

4. Conservation Element: *Add more definitive language to Goal CON3. Update Policy CON3-AQ-2.2 to establish criteria to complement the City's Green Building Ordinance.*

DCA Objection #4: *The proposed changes to Housing Element Policy H1-3.2, which suggested a density bonus, was not clearly defined. To address this objection, Staff suggests that language be added to the policy to control any density bonuses to the City's Comprehensive Plan.*

DCA Comment #1: *DCA noted that Capital Improvements Element CIE1-1.5 cited a Traffic Circulation Element and noted that the City does not have one. Reference to the Transportation Element was accurately replaced for this reference.*

***DCA Comment #2:** Policy CIE1-1.6 cited a December 31, 2004, date. City staff addressed the comment by eliminating that date from Policy CIE1-1.6.*

***DCA Comment #3:** DCA questioned the applicability of utilizing a 1999 dollar value to base capital improvement values, as stated within Policy CIE1-2.4. Staff eliminated that reference from Policy CIE1-2.4.*

***Non-DCA Changes:** Staff suggests one (1) change to Transportation Element Policy T1-4.12 that is not covered by the ORC report. Policy T1-4.12 is a new policy transmitted to the DCA/VGMC and states that the City will coordinate with various entities (Volusia County, FDOT, etc.) to change the level of service (LOS) on a segment of SR 415 from a standard of "C" to "D" from Enterprise-Osteen Road to the County line; rather than from Reed Ellis Road to the County line as previously listed.*

***VGMC:** The VGMC requested additional information (RAI) regarding the City's proposal to eliminate Policy 4J from the Future Land Use Element that creates a trip cap for development within the Activity Center. As part of Resolution No. 99-07 passed by the VGMC in 1999, Staff responded that Resolution No. 99-07 is no longer is applicable and received excellent cooperation from the Volusia County School District staff and VGMC staff with regard to recommending to the VGMC that Resolution No. 99-07 be retracted. The VGMC meeting is scheduled for August 25, 2010 and Staff will verbally inform the City Commission of the VGMC decision.*

After Discussion, the Commission voted unanimously to adopt Ordinance No. 05-2010 for the City of Deltona EAR-Based Comprehensive Policy Plan Amendments at second and final reading.

F. Public Hearing – Ordinance No. 09-2010, Establishing a six-month moratorium on internet cafes, for first reading.

At the request of the City Commission, a proposed ordinance imposing a six month moratorium on the issuance of any permits for internet cafes is being presented for review and discussion.

After Discussion, the Commission voted 6 to 1 (Commissioner Deyette abstained from voting) to adopt Ordinance No. 09-2010 at first reading and to schedule second and final reading for September 20, 2010.

G. Ordinance No. 10-2010, Providing for Revisions to Chapter 38 of the City's Code of Ordinances pertaining to municipal liens, for first reading.

Section 2-114 and Sections 38-119 through 38-123 of the City Code of Ordinances authorize the City's Enforcement Services Director to impose municipal liens to recover City funds expended for the abatement of nuisance code violations and describes the procedures to be followed for the imposition of

such liens. Municipal liens have recently been transferred to the City Attorney's Office. The changes to the Ordinance are to remove the references to particular staff positions being responsible for these procedures. In addition, while reviewing the ordinance, it was found that language was not originally included making the liens valid against other Volusia County properties owned by the same property owner, similar to the language addressing Code Enforcement Board fines. This is being rectified in the changes made to Section 38-119.

After Discussion, the Commission voted unanimously to adopt Ordinance No. 10-2010 at first reading and to schedule second and final reading for September 20, 2010.

H. Ordinance No. 11-2010, Pertaining to a Chapter 180 Service Area and Revising the City's Utility District Requirements, for first reading.

The City currently has a Chapter 180 utility service area. Under our current Code provisions, we are the sole source for water within the district. As such, we cannot require covenants to annex as a condition of receiving water service. The main focus of the revision is to eliminate the monopoly on water service within the district in order to allow for covenants to annex. The other purpose for the Ordinance is to bring the district regulations in compliance with State Statutes.

After Discussion, the Commission voted unanimously to adopt Ordinance No. 11-2010 at first reading, and to schedule second and final reading for September 20, 2010.

I. Ordinance No. 20-2010, Amending Chapter 46 of the City's Code of Ordinances, pertaining to the Firefighters' Pension Plan, for first reading.

The attorney for the pension board submitted a draft ordinance revising the firefighters' pension plan. Following review by the City pension counsel, the Commission agreed to accept certain revisions and reject others. The attached ordinance reflects the changes made by the Commission along with some housekeeping items to allow the ordinance to be Code consistent.

After Discussion, the Commission voted unanimously to approve Ordinance No. 20-2010 at first reading, and to schedule second and final reading for September 20, 2010.

9. OLD BUSINESS:

A. Request for approval of Renewal of the Facility Use Agreement – Henkels and McCoy.

Henkels & McCoy, Inc. has maintained a Long Term Facility Use Agreement with the City of Deltona since 2006. They are a Pennsylvania based, for-profit

corporation, with a focus on increasing opportunities for educational, vocational and employment programs for area youth.

The organization has previously utilized the facilities at the Harris M. Saxon Community Center on Mondays through Thursdays from 8:30 a.m. to 2:00 p.m. In 2009, the organization extended their use of the facilities to add Fridays from 9:00 a.m. to 1:00 p.m. to perform office work. The organization will be relocated to the Schoolhouse Meeting Room at the Deltona Community Center on Lakeshore Drive, Deltona, Florida. Their hours of use will remain the same.

The standard Facility Use Fee for a Category IV user is \$100.00 for five hours, less the 20% discount awarded for entering into a long-term lease agreement with the City, resulting in a weekly fee of \$400.00. In 2006, the organization requested and received a waiver of the standard facility use fee. The City Commission authorized a flat \$200.00 per month fee to offset costs. When the organization added the Friday usage to their Agreement, an additional \$60.00 was added to the fee, resulting in a total of \$260.00 per month for the use of the facility.

Henkels & McCoy, Inc. has met the criteria requirements for a Long Term Facility Use Agreement with the City. Staff recommends a one (1) year long term Facility Use Agreement with an option to renew for an additional one (1) year term, subject to the receipt and acceptance of a timely Facility Use Renewal Form.

Item removed from the Agenda.

10. NEW BUSINESS:

- A. Request for two Resolutions regarding Pink Heals Day (requested by Commissioner Deyette).**

After Discussion, the Commission voted 5 to 2 (Commissioner Zischkau and Mayor Mulder voted against the motion) to allow the firefighters to use the pink shirts for a period of 30 days.

- B. Request for approval of Cooperative Economic Development Agreement between the City of Deltona and the Team Volusia Economic Development Corporation.**

On August 16, 2010, the City Commission approved entering into an agreement with the Team Volusia Economic Development Corporation (TVEDC). The TVEDC sent a draft Cooperative Economic Development Agreement (Agreement) and sample Contract Deliverables schedule. Staff reviewed both documents and made the proper adjustments to ensure that the City is entering into an equitable partnership and is accurately assessed.

The attached Agreement represents a commitment from the TVEDC to represent Deltona equally among the partnering jurisdictions and to ensure that Deltona's interests are addressed. Through the membership, the City will have a seat on the TVEDC Executive Committee and have the ability to ensure that investment in the organization promotes the City and Volusia County to build an employment center for job creation and helps to increase the potential for non-residential economic development within the City. The City shall assign a staff member to serve on any of the TVEDC Committees, as needed, and is required.

The City is obligated to contribute \$42,132.00, which can be paid annually, semi-annually, or quarterly and is calculated by applying \$0.50 per resident. The assessment is based on the City's 2009 population, which is provided from the University of Florida Bureau of Economic and Business Research (BEBR). BEBR lists a 2009 population for Deltona of 84,264 and has not produced a 2010 estimate, based on anticipation of the 2010 U.S. Census count.

The Agreement has an October 1, 2010 start date and a September 30, 2013 end date. The City Attorney has advised that the Agreement does provide that: this agreement may be terminated upon any of the following events:

- a. Written notice by either party to the other party of termination of the Agreement with or without cause.*
- b. Written notice by either party to the other party of termination of the Agreement for failure or breach of the other party to perform its obligations hereunder.*
- c. Approval of a resolution by the City Commission amending the City budget to reduce or rescind the funds provided under this Agreement in accordance with Paragraph 2 above.*

After Discussion, the Commission voted 5 to 2 (Commissioner Denizac and Commissioner Zischkau voted against the motion) to approve the Cooperative Economic Development Agreement between the City of Deltona and the Team Volusia Economic Development Corporation for a one year period.

C. Resolution No. 2010-28, Requesting the Volusia County Council issue to the City of Deltona a Certificate of Public Convenience and Necessity to allow Advanced Life Support Transport.

The City of Deltona has expressed a desire to provide full Emergency Medical Services to our citizens and visitors and in 1997 applied for a COPCN for ALS Transport only to be turned down by the County of Volusia.

The Deltona Fire Department had a Contingency Transport Agreement with the Emergency Medical Foundation d/b/a EVAC Ambulance from 2005 - October 1,

2010 when the agreement was unilaterally terminated by EVAC Ambulance without cause or explanation.

In April of this year, the Deltona City Commission directed the Fire Chief to secure an agreement with Volusia County to provide contingency EMS transport under certain circumstances including to its employees who become ill or injured while on duty. On August 10th, the City Commission directed the City Manager and Fire Chief to apply for a COPCN for ALS Transport that would allow the City's Fire Department to provide first response EMS and medical transportation to our citizens.

Chief Staples will provide a brief Power Point presentation at the meeting regarding the City's application for a full ALS transport COPCN.

After Discussion, the Commission voted 6 to 1 (Commissioner Zischkau voted against the motion) to adopt Resolution No. 2010-28 as presented and to authorize City staff to submit the COPCN application to Volusia County to allow ALS transport.

D. Request for approval of Neighborhood Stabilization Program (NSP) Development Agreement between the City of Deltona and Southwest Volusia Habitat for Humanity, Inc.

The City of Deltona was awarded \$6,635,909 from the United States Department of Housing and Urban Development (HUD) in September 2008 for the Neighborhood Stabilization Program (NSP). As part of our contract with HUD, the City is responsible for obligating 100% of its funds by September 2010. Allowable activities to obligate the funding include selection of a Responsible Organization that the City can partnership with and assign duties/funding to, in lieu of the City performing the task. City staff would like to provide a partnership with the local office of Habitat for Humanity, as is occurring in other NSP awarded programs and is supported by HUD.

Of the activities approved by HUD, within the City's Action Plan for NSP, is redevelopment. Redevelopment allows for houses to be demolished and reconstructed or new development on vacant land. Cognizant of the need to limit new development within Deltona, given the amount of homes to be rehabilitated, the City only acquired two (2) vacant lots; one located at 3230 Tallwood Drive and the other located at 1242 Abagail Drive. It also purchased one (1) home located at 3064 Shallowford Street for Habitat for Humanity to rehabilitate.

City staff has been coordinating with Southwest Volusia Habitat for Humanity, Inc. to execute a Development Agreement for the properties listed above and would like to piggyback on an executed agreement between Lake County, Florida, and Habitat for Humanity of Lake-Sumter, Florida, Inc. for Community Benefit Organizations for the Neighborhood Stabilization Program (see attached). That

Agreement has been through Lake County's procurement process and Habitat for Humanity was a qualified selected responder.

The attached Development Agreement is for a total amount of \$300,000.00 and represents a partnership between the City of Deltona and Southwest Volusia Habitat for Humanity, Inc. Since the City is assigning a portion of the NSP grant award to a Responsible Organization, the total amount of the assignment is listed, with the costs associated with the acquisition of the land and unit being defined within the Agreement. Habitat for Humanity is, therefore, responsible for operating costs using the remainder of those funds totaling \$258,723.11.

After Discussion, the Commission voted unanimously to approve the Development Agreement between the City of Deltona and Southwest Volusia Habitat for Humanity, Inc. and to piggyback on the agreement between Lake County, Florida, and Habitat for Humanity of Lake-Sumter, Florida, Inc. for procurement services.

E. Request for approval of 2010-2011 Law Enforcement Services Agreement.

This Agreement is to authorize the County of Volusia to continue to provide law enforcement services and equipment to the City of Deltona for fiscal year 2010-2011, for the sum of \$8,729,714.00, which is the same cost as the 2009-2010 Agreement. The County has advised both the City Attorney and City Manager that they prefer to have the Interlocal Agreement adopted as is for the current staffing level, and then to do a mid-year budget change to reflect the addition of the three (3) sergeants and one (1) deputy anticipated in January 2011. The City's proposed budget does include the current contract price as well as the additional costs associated with the four (4) new personnel, and therefore a budget amendment would not be required on the City's part.

After Discussion, the Commission voted 6 to 1 (Commissioner Zischkau voted against the motion) to authorize the Mayor and City Manager to execute the Law Enforcement Services Agreement for Fiscal Year 2010-2011 in the amount of \$8,729,714.00.

11. CITY COMMISSION COMMENTS:

12. CITY ATTORNEY COMMENTS:

13. CITY MANAGER COMMENTS:

14. ADJOURNMENT:

NOTE: If any person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at least three (3) working days in advance of the meeting date and time at (386) 878-8100.